

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the present amendments and following remarks. By this amendment, claims 1 and 16 are amended. At this time, claims 1-34 are pending in this case, with claims 1, 16 and 28 being independent claims. It is believed that no fees are due for the consideration of this paper. However, if fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

Claims Amendments

Claims 1 and 16 are amended to more clearly recited that the carrying assemblies recited therein have a first lower portion securely capturing the container rim, and a second upper portion comprising a blister package. These amendments further clarify that first and second portions of the carrying assemblies are distinct portions, and that the blister package is distinct from the portion capturing the container rim. The amendments to claims 1 and 16 are supported by the specification as originally filed at least at Figs. 1-3 and the accompanying text wherein the first portion 20 that engages the rim 14 of the container 12 is disposed at a lower end of the carrying assembly 18, and the second portion 22 comprising the blister package 24 is disposed at an upper end of the carrying assembly 18. Applicant respectfully submits that the amendments to claims 1 and 16 do not present new matter and do not raise new issues, and respectfully request entry of the present amendments to claims 1 and 16 and consideration of the claims as amended.

Claim Rejection Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-4, 7-9, 13-17, 20-22, 26 and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by Miyake (U.S. Patent No. 6,474,471), claims 1-4, 7, 9, 13-17, 20, 22, 26 and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by Glassman (U.S. Patent No. 6,227,369), and claims 8 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Glassman in view of Miyake. Applicants respectfully traverse these rejections and request reconsideration in view of the amendments to claims 1 and 16 and the following remarks.

Starting with the claim rejections in view of Miyake, applicant respectfully submits that Miyake only discloses blister packaging, and does not disclose either a container having a rim defining an opening, or a first portion of a carrying assembly securely capturing the container rim as recited in independent claims 1 and 16. The claims recite two distinct elements: a container, and a carrying assembly. Further, the claims recite that the carrying assembly has two portions: a first portion capturing the container rim, and a second portion comprising a blister package. Miyake discloses only a blister package. As opposed to being a “container” as asserted in the Office action, reference numeral 14 refers to a protective cover 14 that attaches to the body 12 for form the blister pack 10 having cavities 22 and 24 for storing a camera and accessories. Since Miyake only teaches one portion of one element recited in claims 1 and 16, Miyake does not anticipate these claims. Moreover, Miyake does not suggest or provide motivation for modifying the blister pack 10 to include a portion for capturing a rim of a container, or for attaching the blister pack 10 to a separate container. Consequently, claims 1 and 16, and the claims depending therefrom, are also not rendered obvious by Miyake.

Assuming, *arguendo*, that the cover 14 of Miyake is a container and, apparently though not specifically identified in the Office action, the body 12 is a carrying assembly, the first and second portions of the assembly are not disposed in different locations of the carrying assembly as recited in claims 1 and 16 as amended. As amended, the container rim is captured by a lower portion of the carrying assembly, and the blister section forming the carrying handle is part of the upper portion of the carrying assembly. Conversely, in Miyake, the area adjacent element 42 identified in the Office action as being the first portion is disposed at the same portion at the top of the body 12 as the area that would constitute the carrying handle of the carrying assembly according to the Office action. Therefore, Miyake teaches the portion capturing the alleged “rim” of the protective cover 14 being disposed on the same part of the body 12 as the portion having the carrying handle. Because Miyake does not teach a carrying assembly having a first lower portion and a second upper portion as recited in claims 1 and 16, it follows that claims 1 and 16, and the claims depending therefrom, are not anticipated or rendered obvious by Miyake for this additional reason.

Regarding the rejections in view of Glassman, as with Miyake, Glassman merely teaches a blister pack 10 formed by mating clamshell members 12, 14. Therefore, for the same reasons discussed above for Miyake, Glassman does not teach a container and a portion of a carrying assembly capturing a container lid, and does not teach first and second portions of a carrying assembly being disposed at different locations of the carrying assembly as recited in the claims. Therefore, claims 1 and 16 and the claims depending therefrom are also neither anticipated nor rendered obvious by Glassman for the reasons discussed above. Further, the combination of Glassman and Miyake proposed in the rejection of claims 8 and 21 also fails to anticipate the claims or render them obvious for the same reasons.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

Dated: November 14, 2005

Respectfully submitted,

By: Scott E. Baxendale
Scott E. Baxendale
Registration No.: 41,605
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant